

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MISSISSIPPI POWER COMPANY**

**PLAINTIFF/COUNTER-DEFENDANT**

**V.**

**1:03CV763LG-RHW**

**WATER AND POWER TECHNOLOGIES, INC.**

**DEFENDANT/  
COUNTER-PLAINTIFF**

**JUDGMENT**

This action came on for non-jury trial before the Court on the 1st day of August, 2005, Honorable Louis Guirola, Jr., United States District Judge, presiding, wherein the parties appeared and announced ready for trial. Having considered the evidence, arguments of counsel, and the parties proposed findings of fact and conclusions of law, the Court concludes that in accord with the Findings of Fact and Conclusions of Law entered herewith,

**IT IS THEREFORE ORDERED AND ADJUDGED**, that the Defendant/Counter-Plaintiff, Water and Power Technologies, Inc., shall recover of the Plaintiff/Counter-Defendant, Mississippi Power Company, the total sum of \$456,341.97, with interest at the rate of 5.03% per annum until paid in full, plus costs of this action. In addition, the Defendant/Counter-Plaintiff shall recover a penalty, as provided by MISS. CODE ANN. § 87-7-3, on the balance of \$229,791.34 at the rate of one percent per month from the date of final judgment until paid in full.

**IT IS FURTHER ORDERED AND ADJUDGED**, that the Plaintiff/Counter-Defendant's claims are hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 24<sup>th</sup> day of November, 2006.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE